

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

ALEX AZAR, in his official capacity as
Secretary of the UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES;

ADMINISTRATION FOR CHILDREN AND
FAMILIES;

LYNN JOHNSON, in her official capacity as
Assistant Secretary of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;

SCOTT LEKAN, in his official capacity as
Principal Deputy Assistant Secretary of the
ADMINISTRATION FOR CHILDREN AND
FAMILIES;

HENRY MCMASTER, in his official capacity as
Governor of the STATE OF SOUTH
CAROLINA; and

MICHAEL LEACH, in his official capacity as
State Director of the SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES,

Defendants.

Case No. 6:19-cv-01567-JD

**DECLARATION OF DAVID
WOOD**

DECLARATION OF DAVID WOOD

I, David Wood, do declare as follows:

1. I make this declaration of my own personal knowledge; if called as a witness, I would be competent to testify to the contents hereof.

2. I am 40 years old and live in Greenville, South Carolina with my wife of sixteen years and our three children, a five-year-old daughter, an eleven-year-old son, and a fourteen-year-old daughter. I am employed as an information security engineer and my wife is a student and stay-at-home parent. Our children attend school in Greenville.

3. In 2015, my wife and I became foster parents through working with the child placing agency (“CPA”) Miracle Hill Ministries in Greenville and were licensed by the State of South Carolina Department of Social Services (“DSS”). At the time, I was a member of a church that aligned with Miracle Hill’s doctrinal statement. From 2015 to 2018 we fostered through Miracle Hill Ministries. Our first two foster children were able to reunify with their families. Our third foster child was four days old when she was placed in our home and, in 2018, we were thrilled to adopt her and have her join her siblings who are our biological children.

4. In 2021, we learned that someone close to us is a member of the lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) community. This caused us to reevaluate our beliefs and join a different church that is inclusive of the LGBTQ community, First Baptist Church in Greenville.

5. I also became an active member of the Greenville chapter of PFLAG, a membership organization dedicated to uniting parents, families, and allies, with people who are LGBTQ, and often support families, advocate, and educate others.

6. After adopting our daughter, we decided to stop being foster parents. But as a former foster parent, I am aware of the huge need for foster families in South Carolina and so have continued to work on recruitment in my community and in my church. Because of my experience, I have tried to serve as a helpful liaison between people interested in fostering and South Carolina DSS as well as the various CPAs in the area.

7. Also, over the past year, I became aware of the specific need for foster homes for LGBTQ youth in foster care in South Carolina. Specifically, I was aware of a gay young man and a transgender young woman who were both in need of homes that would support and affirm them, but none were available.

8. A DSS regional director and two DSS staff members from another DSS region recently came to one of our PFLAG Greenville meetings actively soliciting families that will take LGBTQ youth in the system into their homes, so they do not have to be placed in group homes and other congregate care. They mentioned that many families are unwilling or not equipped to foster LGBTQ-identified youth, so it is difficult to find families to care for them. Other DSS officials I have communicated with, including DSS caseworkers from the Upstate DSS region where I live, have also mentioned this challenge.

9. I was aware of the lawsuit connected with Miracle Hill Ministries' policies around foster parent recruiting and screening and Governor Henry McMaster's Executive Order permitting CPAs to use faith-based criteria in deciding whether they would work with people seeking to become foster parents. I realized that in order to provide the most helpful information to members of my church, PFLAG members, and others in the community interested in becoming foster parents, I needed to have more information about which CPAs worked with all families, including same-sex couples and LGBTQ people.

10. I knew South Carolina Youth Advocate Program (“SCYAP”) had a nondiscrimination statement but for other CPAs, it was unclear from publicly available information which agencies work with everyone regardless of their sexual orientation, gender identity, or relationship status or with people of all faiths or no church or faith affiliation.

11. In January of 2022, I was in touch with Amber Peebles, the South Carolina DSS Foster Parent Liaison. I knew she was the person in the DSS state office to go to with general questions or concerns regarding the state child welfare system and foster parenting.

12. There were some changes around licensing requirements for foster parents or foster parent applicants with swimming pools and Amber had been assisting me with answers to questions around those new requirements. She was a very helpful resource.

13. After receiving answers from Amber about the swimming pool questions and still under the email subject line, “Re: Vaccine and Pool Updates,” I decided to ask her which agencies work with same-sex couples and LGBTQ individuals. On January 24, 2022, at 9:36 am, I sent a voice to text email to Amber saying, “I can’t remember if it was you I was talking to about this but also in the community there recently has come a need to understand which agencies are licensing LGBTQ families at this time. I know some are moving in that direction but not there yet and I know sound like Miracle Hill unfortunately or not. If you can send me a list that would be awesome. I think Thornwell and [E]pworth are. I know SCYAP/DSS was at one time but I’m not sure they are actively licensing new families at this time?”

14. On January 24, 2022, at 11:16 am, Amber replied with an email with a new subject line, “LGBTQ friendly Agencies,” and wrote, “See list below. Let me know if you still have questions. Epworth: Will work with married LGBTQ families but not cohabitating couples. The Licensing Partners who have no relational or identity restrictions are as follows: Growing Home Southeast, Lutheran Services Carolinas, New Foundations/Connections, Oasis of Hope, SC Mentor, SC Youth Advocate Program, Thornwell, Carolina Therapeutic Services, National Youth Advocate Program.”

15. I replied at 11:17 am writing, “You’re the bestest!” and Amber responded at 11:18 am, “Happy to help!” I did not have further correspondence with Amber on this topic until October 27, 2022, at 7:05 pm, when I wrote, “Hi, did Bair Foundation say anything about their LGBTQ stances/willingness to have LGBTQ foster parents (gay, trans, married LGBTQ, unmarried LGBTQ)? Do you have someone you could ask?” On October 28, 2022, at 9:32 am, Amber replied, “I will see what I can find out!” I have not received any additional information from Amber verbally or in writing. A true and accurate copy of my email exchanges with Amber is attached as **Exhibit 1** to this declaration.

16. In October 2022, I was invited by the University of South Carolina School of Law’s Court Improvement Project to provide a training to Guardians Ad Litem and Court Appointed Special Advocates about advocacy for LGBTQ youth in foster care in South Carolina. My co-presenter was Currey Cook from Lambda Legal, one of the counsel for the plaintiffs in this case, Eden Rogers and Brandy Welch. Currey and I were not able to speak to each other before the virtual presentation and I did not see his presentation as I had a work conflict. After the presentation Currey reached out to me to compare notes and share impressions about the training and next steps. During our discussion, I relayed the information I have outlined above. I did not share information about my interactions and

communications with DSS about CPAs that will work with LGBTQ people and same-sex couples during my presentation.

November 16, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Wood". The signature is fluid and cursive, with a long horizontal line extending from the end.

David Wood

EXHIBIT 1



David Wood [REDACTED]

LGBTQ friendly Agencies

7 messages

Peeples, Amber [REDACTED]

Mon, Jan 24, 2022 at 11:16 AM

To: David Wood [REDACTED]

See list below. Let me know if you still have questions.

Epworth: Will work with married LGBTQ families but not cohabitating couples

The Licensing Partners who have no relational or identity restrictions are as follows:

-

Growing Home Southeast

Lutheran Services Carolinas

New Foundations/Connections

Oasis of Hope

SC Mentor

SC Youth Advocate Program

Thornwell

Carolina Therapeutic Services

National Youth Advocate Program

Amber Peeples

Statewide Foster Parent Liaison

SC Department of Social Services

P.O. Box 1520

[1535 Confederate Avenue](#)

[Columbia, South Carolina 29202](#)

[REDACTED]

[REDACTED]

www.dss.sc.gov



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From: David Wood [REDACTED]
Sent: Monday, January 24, 2022 9:37 AM
To: Peeples, Amber [REDACTED]
Subject: Re: Vaccine and Pool Updates

***** THIS IS AN EXTERNAL E-MAIL:** Use CAUTION when clicking on links as they could open malicious websites. *** (DLP2)

I can't remember if it was you I was talking to about this but also in the community there recently has come a need to understand which agencies are licensing LGBTQ families at this time. I know some are moving in that direction but not there yet and I know sound like Miracle Hill unfortunately or not. If you can send me a list that would be awesome. I think Thornwell and epworth are. I know SCYAP/DSS was at one time but I'm not sure they are actively licensing new families at this time?

David

On Mon, Jan 24, 2022 at 9:30 AM Peeples, Amber [REDACTED] wrote:

Good Morning David,

Hope you are doing well. I have attached updated guidelines from DSS. Let me know if there is something else I needed to send you.

Thanks for all you do!

Amber Peeples

Statewide Foster Parent Liaison

SC Department of Social Services

P.O. Box 1520

1535 Confederate Avenue

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David Wood

Pronouns: he, him, his (why this matters)

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Peeples, Amber [REDACTED]

To: David Wood [REDACTED]

Mon, Jan 24, 2022 at 11:18 AM

Happy to help!

Amber Peeples

Statewide Foster Parent Liaison

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Thu, Oct 27, 2022 at 7:05 PM

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